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Docket No. END920020102US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kuzawinski *et al.*

Group Art Unit: 2826

Filed: 8/5/2003

Examiner: Williams, Alexander O.

Serial No.: 10/634,414

Title: **INTEGRATED CIRCUIT PACKAGE WITH OVERLAPPING BOND FINGERS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION ELECTION WITH PRELIMINARY AMENDMENT

Noting that Applicants have added new claims 21-24 by preliminary amendment herein and in response to the species restriction requirement dated September 16, 2004, Applicants hereby provisionally elect, with traverse, the species of FIGS. 3A, 3B, and 4 and any other Figure that is not mutually exclusive to FIGS. 3A, 3B, and 4. Claims 1-22 read on the elected species. Claims 1-20 are generic with respect to the elected species. It is respectfully submitted that the search and examination of the species of the entire application could be made without serious burden. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants respectfully contend that the species restriction is improper and should be

withdrawn based on the following arguments.

A first argument as to why the species restriction is improper is that a search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that “if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits” (emphasis added). Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

A second argument as to why the species restriction is improper is that the Examiner did not specify the individual species encompassed by FIGS. 1A, 1B, 2, 3A, 3B, 4, 5, 6, and 7. The Examiner merely directed Applicant to elect “any one species in 1A to 7” which is ambiguous. The Examiner cannot require Applicant to elect from species that the Examiner has not identified.

Based on the preceding arguments, Applicants respectfully contend that the species restriction is improper and should be withdrawn.

As to Applicants’ election of species, Applicants cite MPEP § 806(f) which requires that the species be mutually exclusive. Applicants note that FIGS. 3A, 3B, and 4 represent different views (i.e., cross-sectional view, top view, and perspective view) of the same structure and are therefore not mutually exclusive. Thus, FIGS. 3A, 3B, and 4 cannot be separate species. Accordingly, Applicants have properly elected the species of FIGS. 3A, 3B, and 4 and any other Figure that is not mutually exclusive to FIGS. 3A, 3B, and 4.

Applicants further contend that claims 23-24, in depending from claim 1, should be subsequently allowed if claim 1 is subsequently allowed.